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Department of Energy

ROCKY FLATS OFFICE

GOLDEN, COLORADO 80402-0975 7 MAY 0 5 1992

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BENJAMIN, A

BERMAN, H.S. BRANCH, D.B.

BURLINGAME, A.H

CROUCHER, D.W. DAVIS, J.G.

CARNIVAL, G.J.

EVERED, J.E. FERRERA, D.W GOODWIN, R.

HANNI, B.J.

HEALY, T.J. HILBIG, J.G

IDEKER, E.H

KERSH, J.M KIRBY, W.A.

KUESTER, A.W

PIZZUTO, V.M. POTTER, G.L.

SANDLIN, N.B.

SHEPLER, R. L

SULLIVAN, M.T. SWANSON, E.R

TALLMAN, K.G.

WILSON, J.M.

YOUNG, E.R. ZANE, J.O.

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I. J.S. NSON, R.E

KRIEG, D.

LEE, E.M. MAJESTIC, J.R

MARX, G.E. MORGAN, R.V Mr. James Scherer, Administrator U.S. Environmental Protection Agency Region VIII 999 18th Street, Suite 500 Denver, CO 80202-2405 ROCKY FLATS PLANT CORRESPONDENCE CONTROL

Dear Mr. Scherer:

The purpose of this letter is reiterate the request made in our April 28, 1992, letter to Mr. Jack McGraw of your staff (enclosed), asking for a meeting between our two organizations in the near future to resolve outstanding compliance questions relating to the generation of certain mixed wastes that will be subject to land disposal restrictions (LDR) as of May 8, 1992. This is also to notify you that Rocky Flats will not operate in knowing noncompliance with the LDR provisions of RCRA, and that our efforts to remain in compliance may force partial shutdown of our plant, with resultant layoffs. It is, therefore essential to our ongoing operations at Rocky Flats, including vital waste management operations, that these questions be resolved before May 8, 1992.

In our April 28, 1992, letter, we apprised you that certain wastes ("Thirds" mixed wastes) that are subject to the LDR provisions of the Resource Conservation and Recovery Act (RCRA) would continue to be placed into storage at the Rocky Flats Plant after the May 8, 1992, date upon which these wastes would become prohibited. We also informed you that Rocky Flats would not have in place facilities to treat these wastes as of that date, and so could be in noncompliance with the LDR provisions of RCRA. To overcome this problem, we suggested two means by which these wastes could be incorporated into the standing LDR Federal Facility Compliance Agreement (FFCA) between our two agencies. We believe that our efforts to address Thirds wastes in our ongoing waste management program demonstrates our good faith in attempting to deal with these waste forms.

If this matter cannot be resolved by May 8, 1992, preferably by incorporating Thirds wastes into our standing FFCA, we will be forced to discontinue those operations that might generate these wastes. This will result in a shutdown of numerous operations plantwide. Our operating contractor, EG&G Rocky Flats, is currently preparing a shutdown plan to address this eventuality. We anticipate that this plan will among other items call for the cessation of ongoing waste treatment activities on plantsite, and possibly ongoing remedial activities. Please note that no shutdown activity will be allowed to compromise the health and safety of the public or RFP employees. We also anticipate that we will be forced to temporarily lay off a substantial portion of our work force after May 8, 1992, until this matter can be resolved.

It is essential that this matter be resolved quickly. We once again ask that our two staffs meet, preferably by May 6, 1992, to seek a mutually agreeable resolution to these matters. We sincerely believe that arriving at such a resolution is in the ultimate best interest of all parties involved.

Reviewed for Addressee Corres, Control RFP	
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DATE	ВҮ

CORRES CONTROL

TRAFFIC

Terry A.

Sincerely,

Manager Manager

Enclosure

ADMIN RECORD

A-SW-001247

cc w/o Enclosure:

P. Nolan, CDH

J. Sowinski, CDH
T. McCall, Jr., EPA, HQ
M. Hestmark, EPA

J. McGraw, EPA
D. Miller, CO Attorney General's Office

L. Duffy, EM-1 E. Livingston, EM-1

G. Patton, EM-2 J. Lythe, EM-30 P. Bubar, EM-323

L. Stevens, EM-331

D. Louison, CP-30 D. Ruge, GC-11 M. Stone, EH-221

J. Hartman, AMEM, RFO T. Lukow, WMED, RFO J. Rampe, WPB, RFO

M. Roy, OCC, RFO J. Kersh, EG&G

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G. McKenna, EG&G